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11 Attorneys for Plaintiff HP Tuners, LLC

12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

15 HP TUNERS, LLC, a Nevada limited liability
company,

Case No. 3:18-cv-00527-LRH-WGC

16 Plaintiff,

**JOINT PROPOSED DISCOVERY PLAN
AND SCHEDULING ORDER**

17 vs.
19 KENNETH CANNATA,

**SPECIAL SCHEDULING REVIEW
REQUESTED**

20 Defendant.

21 CERTIFICATION: This Joint Proposed Discovery Plan and Scheduling Order is timely filed
22 pursuant to Court Order. Docket No. 13.

23 Plaintiff HP Tuners, LLC (“Plaintiff”) and Defendant Kenneth Cannata (“Defendant”), by
24 and through their respective undersigned counsel, hereby submit this Joint Proposed Discovery
25 Plan and Scheduling Order. The parties propose a slightly longer period for discovery given that
26 the parties reside in different states, there is a pending Motion to Dismiss that had an extended
27 briefing schedule, Defendant anticipates filing a counterclaim against Plaintiff, and the case
28

1 involves complex technology issues for which the parties may need to involve multiple experts.

2 1. Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26-1, a telephonic meeting was
3 held on January 30, 2019, and was attended by:

4 Andrew P. Bleiman, Esq., attorney for Plaintiff
5 Elizabeth High, Esq., attorney for Plaintiff
6 Bart K. Larsen, Esq., attorney for Defendant

7 2. **Joint Discovery Plan.** The parties propose to the Court the following Discovery
8 Plan:

9 a. **Initial Disclosures.** The parties agree to exchange initial disclosures by March
10 1, 2019.

11 b. **Discovery Cut-Off Date.** Discovery will close on **October 31, 2019**.

12 c. **Disclosure or discovery of electronically stored information.** The parties
13 agree to preserve electronically stored information that pertains to these
14 proceedings until resolved.

15 d. **Claims of privilege or of protection as to trial preparation materials.** The
16 parties agree to meet and confer to try to resolve the issue prior to seeking the
17 Court's assistance.

18 e. **Expert Disclosures:** Pursuant to LR 26-1(b)(3), expert disclosures under Fed.
19 R. Civ. P. 26(a)(2) are due on or before **September 3, 2019**. Sixty days prior
20 to the close of discovery (October 31, 2019) is Sunday, September 1, 2019.
21 Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the deadline is extended to the next court
22 day that is not a weekend or legal holiday.

23 f. **Rebuttal Expert Disclosures:** Pursuant to LR 26-1(b)(3), rebuttal-expert
24 disclosures are due on or before **October 3, 2019**.

25 3. **Other Items:**

26 a. **Amending the Pleadings and Adding Parties:** The last day to file motions to
27 amend pleadings or add parties is **August 2, 2019**, which is 90 days prior to
28 the date discovery closes.

- 1 b. **Dispositive Motions:** The parties each expect to file dispositive motions
 2 requesting that judgment be entered in their favor. Dispositive motions must
 3 be filed by **December 2, 2019**. Thirty days after the discovery cut-off date is
 4 Saturday, November 30, 2019. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the
 5 deadline is extended to the next court day that is not a weekend or legal
 6 holiday. The parties hereby request a scheduling order be entered for
 7 submission of dispositive motions.
- 8 c. **Pretrial Order:** The parties agree the Pretrial Order must be filed by **January**
 9 **2, 2020**. Thirty days after the dispositive motion deadline is Tuesday, January
 10 1, 2020, which is a legal holiday. Pursuant to Fed. R. Civ. P. 6(a)(1)(C), the
 11 deadline is extended to the next court day that is not a weekend or legal
 12 holiday. The parties agree that if any Dispositive Motions are filed, the due
 13 date for filing the Joint Pretrial Order will be suspended until thirty (30) days
 14 after decision on the Dispositive Motion(s) or further order of the Court. Id.
 15 The parties agree that the pretrial disclosures required by Fed. R. Civ. P.
 16 26(a)(3) and any objections to them must be included in the joint pretrial order.
 17 See LR 26-1(b)(6).

18 4. The parties certify they met and conferred about the possibility of using alternative
 19 dispute-resolution processes including mediation and arbitration. The parties are amenable to
 20 participating in a Court settlement conference.

21 5. The parties certify they have considered consent to trial by a magistrate judge under
 22 28 U.S.C. §636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program, neither of which
 23 the parties consent to.

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1 6. The parties certify they have discussed and stipulated to use evidence in electronic
2 format to jurors for the purposes of jury deliberations.

3 DATED this 30th day of January, 2019.

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5 KOLESAR & LEATHAM

6 LEE HIGH, LTD.

7 /s/ Elizabeth High, Esq.

8 CECILIA LEE, ESQ.

9 ELIZABETH HIGH, ESQ.

10 /s/ Bart Larsen, Esq.

11 BART LARSEN, ESQ.

12 Attorney for Defendant Kenneth Cannata

13 MARKS & KLEIN

14 /s/ Andrew P. Bleiman, Esq.

15 ANDREW P. BLEIMAN, ESQ.

16 Attorneys for Plaintiff HP Tuners, LLC

17 IT IS SO ORDERED.

18 HONORABLE WILLIAM G. COBB
19 UNITED STATES MAGISTRATE JUDGE

20 DATED: _____

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